



Handling Illegal Questions

Federal, state and local laws regulate the types of questions interviewers are allowed to ask candidates during an interview. All questions asked on an employment application or during a job interview **MUST BE JOB RELATED**. Employers can not ask questions with the intent to discriminate against you based on your age, gender, national origin/citizenship, race, marital or family status, social or religious affiliations, disabilities, or military service. They must ask the same questions of all candidates.

Most interviewers ask illegal questions out of ignorance, not intentionally. They may be trying to set a casual, informal tone for the interview and help make you feel at ease.

If you are asked an inappropriate or illegal question, here are 3 ways to handle it:

1. You can answer the question, if you feel comfortable doing so. However, you risk providing information that might result in reducing your chances to be offered the job if you provide the “wrong” answer.
2. You can refuse to answer the question. However, you may be perceived as uncooperative or confrontational, thus the interviewer may not consider you an ideal candidate.
3. You can examine the question for *intent* and respond with an answer that is appropriate. For example, if an interviewer asks, “What country are you from?”, you can respond, “I’m authorized to work in the United States.”

Some examples of illegal questions and their legal counterparts are listed below.

Inquiry Area	Illegal Questions	Legal Questions
National origin/citizenship	<ul style="list-style-type: none"> Are you a U.S. citizen? Where were you born? What is your native language? 	<ul style="list-style-type: none"> Are you authorized to work in the U.S.? What language(s) do you speak/ read/write fluently?
Age	<ul style="list-style-type: none"> How old are you? When did you graduate? When is your birthday? 	<ul style="list-style-type: none"> Are you over the age of 18?
Marital/family status	<ul style="list-style-type: none"> Are you married? Engaged? Divorced? Do you plan to have a family? How many kids do you have? What are your child care arrangements? 	<ul style="list-style-type: none"> Would you be willing to relocate if necessary? Would you be willing/able to travel as necessary on the job? Would you be able/willing to work overtime is necessary?



Military	<ul style="list-style-type: none">▪ If you've been in the military, were you honorably discharged?	<ul style="list-style-type: none">▪ In what branch of the armed forces did you serve?▪ What type of training or education did you receive in the military?
Personal	<ul style="list-style-type: none">▪ How tall are you? How much do you weigh?	<ul style="list-style-type: none">▪ Are you able to lift a 50-pound weight and carry it 100 yards?
Disabilities/ Medical conditions	<ul style="list-style-type: none">▪ Do you have any disabilities?▪ Please complete the following medical history.▪ Do you need an accommodation to perform the job?	<ul style="list-style-type: none">▪ Are you able to perform the essential functions of this job?▪ Can you demonstrate how you would perform the following job-related functions?▪ As part of the hiring process, after an offer is made, you will be required to undergo a medical exam. (Pre-employment questions about illness may not be asked. Exam results after the offer is made must be kept confidential, unless emergency medical treatment is required.)
Affiliation	<ul style="list-style-type: none">▪ To what organizations or groups do you belong?	<ul style="list-style-type: none">▪ Are there any organizations to which you belong that you consider relevant to your ability to perform this job?
Arrest Record	<ul style="list-style-type: none">▪ Have you ever been arrested?	<ul style="list-style-type: none">▪ Have you ever been convicted of _____? The crime should be reasonable related to the performance of the job in question.

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